

REMARKS

By this amendment, Applicants have amended the specification, in particular paragraph 0046, under 37 CFR 1.57(a) to include a portion of the specification inadvertently omitted from the application. Since the subject application contains a claim under 37 CFR 1.55 for priority of a prior-filed foreign application that was present on the filing date of the application and since the inadvertently omitted portion of the specification is completely contained in the prior-filed foreign application (see the attached English translation of the prior-filed foreign application and the attached declaration of Wataru Kagohashi under 37 CFR 1.132), the claim for priority is considered an incorporation by reference of the prior-filed application as to the inadvertently omitted portion of the specification. 37 CFR 1.57(a). A certified copy of the prior-filed foreign application has already been submitted and received by the U.S. Patent and Trademark Office; an English language translation of the prior foreign application attached. The inadvertently omitted portion of the specification can be found in the prior-filed application on page 17 of the English translation in paragraph 0031. Accordingly, acceptance of the amendment to the specification is requested.

Applicants have also canceled claims 1-15 without prejudice or disclaimer and added new claims 22-28 to define further aspects of the present invention. Claim 22 is supported by, e.g., paragraph 0025 of Applicants' specification. Claims 23-25 are supported by, e.g., paragraph 0013 of Applicants' specification. Claims 26 and 27 are supported by, e.g.,

original claims 14 and 15, respectively. Claim 28 is supported by, e.g., paragraph 0016 of Applicants' specification.

In view of the cancellation of claims 1-15, the rejections in numbered sections 2 and 3 of the Office Action are moot.

Claims 6, 7, 13 and 16-21 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,863,708 to Kagohashi et al. in view of U.S. Patent No. 6,391,084 to Ito. Applicants traverse this rejection and request reconsideration thereof.

The effective date of Kagohashi et al. patent as prior art under 35 U.S.C 102(a) appears to be March 8, 2005, i.e., its patent date. In this connection, it appears the Kagohashi et al. patent does not have a 102(e) date since it does not appear the international application was published in English. The effective date of the Kagohashi et al. patent is after Applicants U.S. filing date. While the corresponding international application publication and U.S. patent application publication were published on December 27, 2002 and August 28, 2003, respectively, these dates are after, at least, Applicants' claimed Japanese priority filing date of August 28, 2002. A certified copy of Applicants' Japanese priority application has already been submitted and acknowledged by the U.S. Patent and Trademark Office. An English translation, certified to be accurate by the translator, is attached. It is submitted Applicants are entitled to the Japanese priority filing date and, therefore, the Kagohashi et al. patent and its corresponding international and U.S. patent application publications are not prior art to the presently claimed

invention. Therefore, reconsideration and withdrawal of the rejection of the claims in numbered section 5 of the Office Action are requested.

In view of the foregoing amendments and remarks, favorable reconsideration and allowance of all the claims now in the application are requested.

Please charge any shortage in the fees due in connection with the filing of this paper, including extension of time fees, to the deposit account of Antonelli, Terry, Stout & Kraus, LLP, Deposit Account No. 01-2135 (Case: 1150.44795X00), and please credit any excess fees to such deposit account.

Respectfully submitted,

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Attachments